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EXAMINER

PHAM, CHRYSTINE

ART UNIT PAPER NUMBER

2122

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/823,755	Applicant(s) IKEDA ET AL.	
	Examiner Chrystine Pham	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 April 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application 09/823755 filed on April 03 2001. Claims 1-9 are presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on January 13th 1999. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Claim Rejections - 35 USC § 112

3. Claims 4, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors (see "increasing the version number of the ... during the electronic information is being accessed ..." claim 4 lines 5-7; see "... information have been updated, while." claim 6, 10).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigal et al. (US 5881292), hereinafter, *Sigal et al.*.

Claim 1

Sigal et al. teach an exclusive access controlling (e.g., see *exclusive access, exclusive write/modify access* col.3:34-67; see *complex system 200, exclusivity lock 216* FIGS.2,3 & associated text) apparatus (e.g., see FIG.1 & associated text) for electronic information (e.g., see modules 204, 206, 208 FIGS.2,3,4 & associated text) comprising:

- version number holding means for holding a version number of electronic information (e.g., see *DVT 540* FIG.5C & associated text; see *Dynamic Versioning Table, DVT* col.5:34-67);
- electronic information name creating means for creating an electronic information name to be prepared by attaching the version number held in said version number holding means to an appellation unique to the electronic information (e.g., see *slave module2 version1* col.5:35-48; see 540, 542, 547 FIG.5C & associated text);
- electronic information name distributing means for distributing the electronic information name created by said electronic information name creating means, to users of the electronic information (e.g., see *USER 1, 522, USER 2, 524, USER 3, 526, Sm1V1, 504, Sm2V1, 506, Sm3V1, 508* FIGS.5A,5B & associated text);
- version number judging means for judging whether or not the version number included in the electronic information name coincides with the version number held in said version number holding means (e.g., see 800, 802, 804 FIG.8 & associated text), when the electronic information to be specified by the electronic information name is subject to an access by each user of the electronic information (e.g., see 602, 603, 604, 605 FIG.6 & associated text);
- access permitting means for permitting an access to the electronic information, when it is judged by said version number judging means that the two version numbers coincide with each other (e.g., see 800, 802, 804 FIG.8 & associated text); and

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- o version number updating means for updating the version number held in said version number holding means, when the contents of the electronic information have been updated (e.g., see 900-912 Fig.9 & associated text; see 1100-1128 Fig.11 & associated text; see *new version2*, *slave module2*, *sm2v2*, *version number 3* col.5:10-25; see 512 Fig.5B & associated text).

Claim 3

The rejection of base claim 1 is incorporated. *Sigal et al.* further teach electronic information name re-distributing means for re-distributing an electronic information name newly created by said electronic information name creating means to users of the electronic information, when the contents of the electronic information have been updated (e.g., see 549 FIG.5C & associated text; see 800, 802, 804 FIG.8 & associated text; col.4:33-40).

Claim 8

Sigal et al. teach an exclusive access controlling method (e.g., see *exclusive access*, *exclusive write/modify access* col.3:34-67; see *complex system 200*, *exclusivity lock 216* FIGS.2,3 & associated text) for electronic information (e.g., see modules 204, 206, 208 FIGS.2,3,4 & associated text), comprising:

- o an electronic information name creating process for creating an electronic information name to be prepared by attaching a version number of electronic information held in a table (e.g., see *DVT 540* FIG.5C & associated text; see *Dynamic Versioning Table, DVT* col.5:34-67) to an appellation unique to the electronic information (e.g., see *slave module2 version1* col.5:35-48; see 540, 542, 547 FIG.5C & associated text);
- o an electronic information name distributing process for distributing the electronic information name created by said electronic information name creating process, to users of the electronic information (e.g., see *USER 1*, 522, *USER 2*, 524, *USER 3*, 526, *Sm1V1*, 504, *Sm2V1*, 506, *Sm3V1*, 508 FIGS.5A,5B & associated text);

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- a version number judging process for judging whether or not the version number included in the electronic information name coincides with the version number held in said table (e.g., see 800, 802, 804 FIG.8 & associated text), when the electronic information to be specified by the electronic information name is subject to an access by each user of the electronic information (e.g., see 602, 603, 604, 605 FIG.6 & associated text);
- an access permitting process for permitting an access to the electronic information, when it is judged by said version number judging process that the two version numbers coincide with each other (e.g., see 800, 802, 804 FIG.8 & associated text); and
- a version number updating process for updating the version number held in said table, when the contents of the electronic information have been updated (e.g., see 900-912 Fig.9 & associated text; see 1100-1128 Fig.11 & associated text; see *new version2, slave module2, sm2v2, version number 3* col.5:10-25; see 512 Fig.5B & associated text).

Claim 9

Sigal et al. teach a recording medium (e.g., see ROM 108, RAM 110, system 100 FIG.1 & associated text) recorded with an exclusive access controlling program (e.g., see *Programmed instructions* col.3:10-20; see *exclusive access, exclusive write/modify access* col.3:34-67; see *complex system 200, exclusivity lock 216* FIGS.2,3 & associated text) for electronic information (e.g., see modules 204, 206, 208 FIGS.2,3,4 & associated text), for realizing:

- an electronic information name creating function for creating an electronic information name to be prepared by attaching a version number of electronic information held in a table (e.g., see DVT 540 FIG.5C & associated text; see *Dynamic Versioning Table, DVT* col.5:34-67) with an appellation unique to the electronic information (e.g., see *slave module2 version1* col.5:35-48; see 540, 542, 547 FIG.5C & associated text);
- an electronic information name distributing function for distributing the electronic information name created by said electronic information name creating function, to users of the electronic

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information (e.g., see *USER 1*, 522, *USER 2*, 524, *USER 3*, 526, *Sm1V1*, 504, *Sm2V1*, 506, *Sm3V1*, 508 FIGS.5A,5B & associated text);

- o a version number judging function for judging whether or not the version number included in the electronic information name coincides with the version number held in said table (e.g., see 800, 802, 804 FIG.8 & associated text), when the electronic information to be specified by the electronic information name is subject to an access by each user of the electronic information (e.g., see 602, 603, 604, 605 FIG.6 & associated text);
- o an access permitting function for permitting an access to the electronic information, when it is judged by said version number judging function that the two version numbers coincide with each other (e.g., see 800, 802, 804 FIG.8 & associated text); and
- o a version number updating function for updating the version number held in said table, when the contents of the electronic information have been updated (e.g., see 900-912 Fig.9 & associated text; see 1100-1128 Fig.11 & associated text; see *new version2*, *slave module2*, *sm2v2*, *version number 3* col.5:10-25; see 512 Fig.5B & associated text).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sigal et al.* in view of *Stupek et al.* (US 5586304).

Claim 2

The rejection of base claim 1 is incorporated. *Sigal et al.* do not expressly disclose a reason analysis means for analyzing, based on the version number held in said version number holding means,

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a reason of a discrepancy between the both version numbers when they are judged to be discrepant from each other by said version number judging means. However, *Stupek et al.* disclose a reason analysis means for analyzing (e.g., see *upgrade advisor 11* FIG.1 & associated text; see *comparisons, version number, upgrade package, network resource* col.4:5-12), based on the version number held in said version number holding means (e.g., see *MIB 5* FIG.1 & associated text; see *name, version number, software* col.3:14-25; see *driver table 32* FIG.4 & associated text), a reason of a discrepancy between the both version numbers when they are judged to be discrepant from each other by said version number judging means (e.g., see *comparison, importance of the upgrade* col.9:50-col.10:3; see *analysis, reasons for upgrade* col.3:55-64; see *Description database 27* FIG.5B & associated text; see *description 27e, feature enhancements, bug fixes* col.6:52-67). *Sigal et al.* and *Stupek et al.* are analogous art because they are both directed to version controlling in software update. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Stupek et al.* into that of *Sigal et al.* for the inclusion of a reason analysis means. And the motivation for doing so would have been to provide the users of the network resource upgrade advise/recommendations (i.e., explanation of reasons for upgrade, upgrade description, bug fixes, feature enhancements, etc.) (e.g., col.6:55-67; col.3:55-64)

Claim 4

The rejection of base claim 2 is incorporated. *Sigal et al.* further teach wherein said version number updating means sets a version number of electronic information at 0 (zero) when the exclusive access control of the electronic information is started, while increasing the version number of the electronic information by 1 (one) during the electronic information is being accessed (e.g., see *sm2v1, sm2v2* col.5:10-19) and increasing the version number of the electronic information by 2 (two) when the contents of the electronic information have been updated (e.g., see *version number 3* col.5:19-25).

Claim 6

The rejection of base claim 2 is incorporated. *Sigal et al.* further teach wherein said version number updating means sets a version number of electronic information at 0 (zero) when the exclusive access control of the electronic information is started, while increasing the version number of the electronic information by 1 (one) (e.g., see *sm2v1*, *sm2v2* col.5:10-19), in advance of creation of the electronic information name by said electronic information name creating means and additionally increasing the version number of the electronic information by 1 (one) when the contents of the electronic information have been updated, while (e.g., see *version number 3* col.5:19-25).

8. Claims 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sigal et al.* in view of *Stupek et al.* further in view of *Misheski et al.* (US 5878432), hereinafter, *Misheski et al.*

Claim 5

The rejection of base claim 4 is incorporated. *Sigal et al.* and *Stupek et al.* do not expressly disclose wherein said reason analysis means judges that the electronic information is being locked (i.e., access inhibited state), when the version number of the electronic information is an odd number, and judges that the access to the electronic information is targeted at the electronic information of the former version when the version number of the electronic information is an even number. However, *Misheski et al.* disclose reason analysis means judges that the electronic information is being locked (i.e., access inhibited state), when the version number of the electronic information is an odd number (e.g., see *version 1*, *lock state LS* col.13:5-45; see Fig.9 & associated text; col.14:1-7; see *lock modules, checked out* col.13:54-56; see FIG.14 & associated text; see *Version, Lockstate* col.16:62-col.17:15; col.18:6-28), and judges that the access to the electronic information is targeted at the electronic information of the former version when the version number of the electronic information is an even number (e.g., ; see *V2, previous version* col.14:14-20). *Sigal et al.*, *Stupek et al.*, and *Misheski et al.* are analogous art because they are directed to version controlling in software update. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Misheski et al.* into that of *Sigal et al.* and *Stupek et al.* for the inclusion of reason analysis means as

disclosed by *Misheski et al.*. And the motivation for doing so would have been facilitate the enforcement of exclusive access to software modules by different users, making sure that only one programmer can modify a module at any given time (col.13:25-30) and to facilitate undoing of modifications/updates in newer version (i.e., by reverting back to a former version) (e.g., col.13:45-55).

Claim 7

The rejection of base claim 6 is incorporated. Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in claim 5.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-212-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 10, 2005


TUAN DAM
SUPERVISORY PATENT EXAMINER